



General Assembly

January Session, 2009

Raised Bill No. 6472

LCO No. 3478

* ____HB06472GL____030409____*

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING WINE FESTIVALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) A wine festival permit
2 shall allow the holder of a manufacturer permit for a farm winery,
3 issued pursuant to section 30-16 of the general statutes, to participate
4 in a wine festival organized and sponsored by the Connecticut
5 Vineyard and Winery Association or said association's not-for-profit
6 subsidiary. The Connecticut Vineyard and Winery Association or said
7 association's not-for-profit subsidiary shall not organize and sponsor
8 more than one wine festival in any calendar year.

9 (b) A wine festival permit shall authorize: (1) The sale and
10 shipment, by the holder of such permit, of wine manufactured by the
11 farm winery permittee to persons outside the state; (2) the offering and
12 tasting of free samples of wine to visitors and prospective retail
13 customers for consumption on the grounds of the wine festival; (3) the
14 sale at retail of sealed bottles or other sealed containers of wine for
15 consumption off the grounds of the wine festival; and (4) the sale at
16 retail of wine by the glass or receptacle, provided the glass or
17 receptacle is embossed or otherwise permanently labeled with the

18 name and date of the wine festival.

19 (c) No farm winery permittee may sell, offer or give to any person
20 or entity wine not manufactured by such farm winery.

21 (d) Only one wine festival permit may be issued per calendar year
22 pursuant to this section by the Commissioner of Consumer Protection
23 to each holder of a manufacturer permit for a farm winery. A wine
24 festival permit shall not be effective for more than three consecutive
25 days per calendar year. The fee for a wine festival permit shall be
26 seventy-five dollars.

27 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding the
28 provisions of section 30-18a of the general statutes, an out-of-state
29 charitable wine foundation may obtain an out-of-state entity wine
30 festival permit, to participate in a wine festival organized and
31 sponsored by such foundation or such foundation's not-for-profit
32 subsidiary. Such foundation or such foundation's not-for-profit
33 subsidiary shall not organize and sponsor more than one wine festival
34 in any calendar year.

35 (b) An out-of-state entity wine festival permit shall authorize in this
36 state: (1) The sale and shipment, by the holder of such permit, of wine
37 manufactured by the permittee to persons outside the state; (2) the
38 offering and tasting of free samples of wine to visitors and prospective
39 retail customers for consumption on the grounds of the wine festival;
40 (3) the sale at retail of sealed bottles or other sealed containers of wine
41 for consumption off the grounds of the wine festival; and (4) the sale at
42 retail of wine by the glass or receptacle, provided the glass or
43 receptacle is embossed or otherwise permanently labeled with the
44 name and date of the wine festival.

45 (c) No out-of-state entity winery festival permittee shall sell, offer or
46 give to any person or entity wine not manufactured by such permittee.

47 (d) No out-of-state entity winery festival permittee shall sell, offer or
48 give to any person or entity wine manufactured by such permittee

49 unless such wine is assigned to a wholesaler permittee in this state.

50 (e) The holder of an out-of-state entity wine festival permit shall
 51 disclose to each person who purchases admission to a wine festival in
 52 which the holder is participating, at the time of purchase, any
 53 restriction or limitation of such admission, including, but not limited
 54 to, the maximum number of glasses or receptacles of wine or brandy to
 55 which the purchaser is entitled by admission to the wine festival.

56 (f) Only one out-of-state entity winery festival permit may be issued
 57 per calendar year pursuant to this section by the Commissioner of
 58 Consumer Protection to each out-of-state charitable wine foundation.
 59 An out-of-state entity wine festival permit shall not be effective for
 60 more than three consecutive days per calendar year. The fee for an out-
 61 of-state entity winery festival permit shall be seventy-five dollars.

62 Sec. 3. Subsection (a) of section 30-48 of the general statutes is
 63 repealed and the following is substituted in lieu thereof (*Effective from*
 64 *passage*):

65 (a) No backer or permittee of one permit class shall be a backer or
 66 permittee of any other permit class except in the case of any class of
 67 airport, railroad, airline and boat permits, and except that: (1) A backer
 68 of a hotel or restaurant permit may be a backer of both such classes; (2)
 69 a holder or backer of a manufacturer permit for a brew pub, a
 70 restaurant permit or a cafe permit may be a holder or backer of any
 71 other or all of such classes; (3) a holder or backer of a restaurant permit
 72 may be a holder or backer of a bowling establishment permit; (4) a
 73 backer of a restaurant permit may be a backer of a coliseum permit or a
 74 coliseum concession permit, or both, when such restaurant is within a
 75 coliseum; (5) a backer of a hotel permit may be a backer of a coliseum
 76 permit or a coliseum concession permit, or both; (6) a backer of a
 77 coliseum permit may be a backer of a coliseum concession permit; (7) a
 78 backer of a coliseum concession permit may be a backer of a coliseum
 79 permit; (8) a backer of a grocery store beer permit may be a backer of a
 80 package store permit if such was the case on or before May 1, 1996; (9)

81 a backer of a university permit may be a backer of a nonprofit theater
 82 permit; (10) subject to the discretion of the department, a backer of a
 83 permit provided for in section 30-33b, may be a backer of any other
 84 retail on-premise consumption permit, including those permits
 85 provided for in section 30-33b; (11) a backer of a nonprofit theater
 86 permit may be a holder or backer of a hotel permit; (12) a holder or
 87 backer of a restaurant permit may be a holder or backer of a special
 88 outing facility permit; (13) a backer of a concession permit may be a
 89 backer of a coliseum permit or a coliseum concession permit, or both;
 90 (14) a holder of an out-of-state winery shipper's permit for wine may
 91 be a holder of an in-state transporter's permit or an out-of-state entity
 92 wine festival permit issued pursuant to section 2 of this act, or of both
 93 such permits; (15) a holder of an out-of-state shipper's permit for
 94 alcoholic liquor other than beer may be a holder of an in-state
 95 transporter's permit; and (16) a holder of a manufacturer's permit for a
 96 farm winery may be a holder of an in-state transporter's permit or a
 97 wine festival permit issued pursuant to section 1 of this act, or of both
 98 such permits. Any person may be a permittee of more than one permit.
 99 A person may be a permittee under a permit provided for in section
 100 30-33b and a backer of any other retail on-premise consumption
 101 permit, including those permits provided for in section 30-33b. The
 102 operator of a racing or jai alai exhibition with pari-mutuel betting
 103 licensed by the Gaming Policy Board may be a backer of any permit
 104 provided for in section 30-33b. No holder of a manufacturer permit for
 105 a brew pub and no spouse or child of such holder may be a holder or
 106 backer of more than three restaurant permits or cafe permits.

107 Sec. 4. Section 30-91 of the general statutes is repealed and the
 108 following is substituted in lieu thereof (*Effective from passage*):

109 (a) The sale or the dispensing or consumption or the presence in
 110 glasses or other receptacles suitable to permit the consumption of
 111 alcoholic liquor by an individual in places operating under hotel
 112 permits, restaurant permits, cafe permits, restaurant permits for
 113 catering establishments, bowling establishment permits, racquetball

114 facility permits, club permits, coliseum permits, coliseum concession
 115 permits, special sporting facility restaurant permits, special sporting
 116 facility employee recreational permits, special sporting facility guest
 117 permits, special sporting facility concession permits, special sporting
 118 facility bar permits, golf country club permits, nonprofit public
 119 museum permits, university permits, airport restaurant permits,
 120 airport bar permits, airport airline club permits, tavern permits, a
 121 manufacturer permit for a brew pub, casino permits, caterer liquor
 122 permits and charitable organization permits shall be unlawful on: (1)
 123 Monday, Tuesday, Wednesday, Thursday and Friday between the
 124 hours of one o'clock a.m. and nine o'clock a.m.; (2) Saturday between
 125 the hours of two o'clock a.m. and nine o'clock a.m.; (3) Sunday
 126 between the hours of two o'clock a.m. and eleven o'clock a.m.; (4)
 127 Christmas, except (A) for alcoholic liquor that is served where food is
 128 also available during the hours otherwise permitted by this section for
 129 the day on which Christmas falls, and (B) by casino permittees at
 130 casinos, as defined in section 30-37k; and (5) January first between the
 131 hours of three o'clock a.m. and nine o'clock a.m., except that on any
 132 Sunday that is January first the prohibitions of this section shall be
 133 between the hours of three o'clock a.m. and eleven o'clock a.m.

134 (b) Any town may, by vote of a town meeting or by ordinance,
 135 reduce the number of hours during which sales under subsection (a) of
 136 this section, except sales pursuant to an airport restaurant permit,
 137 airport bar permit or airport airline club permit, shall be permissible.
 138 In all cases when a town, either by vote of a town meeting or by
 139 ordinance, has acted on the sale of alcoholic liquor or the reduction of
 140 the number of hours when such sale is permissible, such action shall
 141 become effective on the first day of the month succeeding such action
 142 and no further action shall be taken until at least one year has elapsed
 143 since the previous action was taken.

144 (c) Notwithstanding any provisions of subsections (a) and (b) of this
 145 section, [to the contrary,] such sale or dispensing or consumption or
 146 presence in glasses in places operating under a bowling establishment

147 permit shall be unlawful before two p.m. on any day, except in that
148 portion of the permit premises which is located in a separate room or
149 rooms entry to which, from the bowling lane area of the establishment,
150 is by means of a door or doors which shall remain closed at all times
151 except to permit entrance and egress to and from the lane area. Any
152 alcoholic liquor sold or dispensed in a place operating under a bowling
153 establishment permit shall be served in containers such as, but not
154 limited to, plastic or glass. Any town may, by vote of a town meeting
155 or by ordinance, reduce the number of hours during which sales under
156 this subsection shall be permissible.

157 (d) The sale or dispensing of alcoholic liquor in places operating
158 under package store permits, drug store permits, manufacturer
159 permits for beer or grocery store beer permits shall be unlawful on
160 Decoration Day, Independence Day, Labor Day, Thanksgiving Day,
161 New Year's Day, Sunday or Christmas or, if Independence Day,
162 Christmas or New Year's Day occurs on a Sunday, on the Monday next
163 following such day except that such sale or dispensing shall be lawful
164 on any Independence Day occurring on a Saturday; and such sale or
165 dispensing of alcoholic liquor in places operating under package store
166 permits, drug store permits, manufacturer permits for beer and
167 grocery store beer permits shall be unlawful on any other day before
168 eight o'clock a.m. and after nine o'clock p.m. It shall be unlawful for
169 the holder of a manufacturing permit for a brew pub to sell beer for
170 consumption off the premises on the days or hours prohibited by this
171 subsection. Any town may, by a vote of a town meeting or by
172 ordinance, reduce the number of hours during which such sale shall be
173 permissible.

174 (e) In the case of any premises operating under a tavern permit or
175 premises operating under a cafe permit, wherein, under the provisions
176 of this section, the sale of alcoholic liquor is forbidden on certain days
177 or hours of the day, or during the period when a tavern permit or cafe
178 permit is suspended, it shall likewise be unlawful to keep such
179 premises open to, or permit it to be occupied by, the public on such

180 days or hours.

181 (f) The retail sale of wine and the tasting of free samples of wine by
182 visitors and prospective retail customers of a permittee holding a
183 manufacturer permit for a farm winery on the premises of such
184 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
185 after eight o'clock p.m. and on any other day before ten o'clock a.m.
186 and after eight o'clock p.m. Any town may, by vote of a town meeting
187 or by ordinance, reduce the number of hours during which sales and
188 the tasting of free samples of wine under this subsection shall be
189 permissible.

190 (g) Notwithstanding any provision of subsection (a) of this section,
191 [to the contrary,] food or nonalcoholic beverages may be sold,
192 dispensed or consumed in places operating under an airport restaurant
193 permit, an airport bar permit or an airport airline club permit, at any
194 time, as allowed by agreement between the state of Connecticut and its
195 lessees or concessionaires.

196 (h) The sale or the dispensing or consumption or the presence in
197 glasses or other receptacles suitable to permit the consumption of
198 alcoholic liquor by an individual in places operating under a nonprofit
199 golf tournament permit shall be unlawful on any day prior to eleven
200 o'clock a.m. and after nine o'clock p.m.

201 (i) The tasting of free samples of beer by visitors of a permittee
202 holding a manufacturing permit for beer on the premises of such
203 permittee shall be unlawful on Sunday before eleven o'clock a.m. and
204 after eight o'clock p.m. and on any other day before ten o'clock a.m.
205 and after eight o'clock p.m. Nothing in this section shall be construed
206 to limit the right of a holder of such permit to conduct manufacturing
207 operations at any time. Any town may, by vote of a town meeting or
208 ordinance, reduce the number of hours during which the tasting and
209 free samples of beer under this subsection shall be permissible.

210 (j) Nothing in this section shall be construed to require any

211 permittee to continue the sale or dispensing of alcoholic liquor until
212 the closing hour established under this section.

213 (k) The retail sale of wine and the tasting of free samples of wine by
214 visitors and prospective retail customers of a permittee holding a wine
215 festival permit or an out-of-state entity wine festival permit issued
216 pursuant to section 1 or 2 of this act shall be unlawful on Sunday
217 before eleven o'clock a.m. and after eight o'clock p.m., and on any
218 other day before ten o'clock a.m. and after eight o'clock p.m. Any town
219 may, by vote of a town meeting or by ordinance, reduce the number of
220 hours during which the retail sale of wine and the tasting of free
221 samples of wine pursuant to this subsection shall be permissible.

222 Sec. 5. (NEW) (*Effective from passage*) A permittee holding a wine
223 festival permit or an out-of-state entity wine festival permit issued
224 pursuant to section 1 or 2 of this act shall notify the chief municipal
225 law enforcement official in the municipality in which such permittee
226 intends to hold a wine festival of the dates and hours such wine
227 festival is scheduled to take place. Such notification shall be in writing
228 and shall be delivered to such official not later than seven days prior to
229 the commencement of such wine festival.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	30-48(a)
Sec. 4	<i>from passage</i>	30-91
Sec. 5	<i>from passage</i>	New section

GL **Joint Favorable**